INDEX DIGEST

ARBITRATION
Securities Arbitration After *McMahon* 361-87

ARCHITECTURE
Architectural Malpractice: Toward an Equitable Rule for Determining When the Statute of Limitations Begins to Run 509-33

CIVIL RIGHTS
Private Clubs and Employment Discrimination: Does Federal Law Apply? 615-45

COMMODITIES
Partaker or Prey? Futures Commission Merchants Under Civil RICO and the Commodity Exchange Act 69-125

CONSTITUTIONAL LAW
"Wrong But Reasonable": The Fourth Amendment Particularity Requirement After *United States v. Leon* 577-613

DEVELOPMENT RIGHTS
Over-stuffing the Envelope: The Problems With Creative Transfer of Development Rights 43-67

DISCRIMINATION
The Selling Out of *Mount Laurel*: Regional Contribution Agreements in New Jersey's Fair Housing Act . 535-72
Private Clubs and Employment Discrimination: Does Federal Law Apply? 615-45

EARLY RETIREMENT INCENTIVES
A Proposal to Use a "Knowing and Voluntary" Standard to Evaluate the "Voluntariness" of Early Retirement Incentives. 703-23

EMPLOYEE BENEFITS
A Proposal to Use a "Knowing and Voluntary" Standard to Evaluate the "Voluntariness" of Early Retirement Incentives. 703-23

EMPLOYMENT DISCRIMINATION
Private Clubs and Employment Discrimination: Does Federal Law Apply? 615-45

FOURTH AMENDMENT
"Wrong But Reasonable": The Fourth Amendment Particularity Requirement After *United States v. Leon* 577-613

GENETIC ENGINEERING
Hindering the Progress of Science: The Use of the Patent System to Regulate Research on Genetically Altered Animals 441-65

HOMELESS
The Homeless: Judicial Intervention on Behalf of a Politically Powerless Group 389-440

IMMUNITY
Section 1983: Absolute Immunity for Pretrial Police Testimony 647-702

INSIDER TRADING
Insiders, Options and the Fiduciary Principle: A Rule 10b-5 Loophole 295-329

INSURANCE
Disbursement of Insurance Money Covering an Insured's Legal Expenses as Incurred.. 467-85

JURY INSTRUCTIONS
The Unanimous Acquittal Instruction: A Rational Approach to Instructing Jurors on Lesser Included Offenses. 331-60

LANDLORD & TENANT
"Warranty of Security" in New York: A Landlord's Duty to Provide Security Precautions in Residential Buildings Under the Implied Warranty of Habitability 487-507

LEGISLATION
Age Discrimination in Employment Act 641
An Act to Establish the Right to Locate Community Homes for Developmentally Disabled Persons in the Residential Neighborhoods of this State 32-40
Bituminous Mine Subsidence and Land Conservation Act 221-22, 225-27

California Coastal Zone Conservation Act 245-48
Civil Rights Act of 1866..... 412, 622-25, 626-27, 635-37, 643-44, 665-68
Civil Rights Act Of 1964 .... 619-21, 625-32, 635-38, 641, 643-44, 710, 719
Commodity Exchange Act ... 72-76, 91-97, 120-25
Clean Water Act 218
Commodity Futures Trading Commission Act..... 93-96
Developmentally Disabled Assistance and Bill of Rights Act of 1975..... 4
Enforcement Act of 1870.... 668
Equal Pay Act 535
Fair Housing Act (New Jersey). 535-72
Federal Insecticide, Fungicide and Rodenticide Act 176-78, 184-85
Insider Trader Sanctions Act of 1984 .....303, 321, 327-28
Kohler Act 168-69, 213-14, 221-24
Ku Klux Act 665-69
Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963..... 4
New York Civil Practice Law and Rules 527
New York's Landmark Preservation Law 197
New York Multiple Dwelling Laws..... 501-07
New York Real Property Law.. 487, 489, 495-97
New York State Social Services Law 405
Patent Act..... 446, 459
Racketeer Influenced and Corrupt Organizations Act.... 70, 86-90, 103-125, 383
Securities Act of 1933..... 365
Securities Exchange Act of 1934 ..... 297-310, 361, 365-68, 370
Social Security Act 412
Stewart B. McKinney Homeless Assistance Act 432-40
United States Arbitration Act.. 364

MENTALLY RETARDED

"Five-Hundred-Year Flood Plains" and Other Unconstitutional Challenges to the Establishment of Community Residences for the Mentally Retarded 1-41

PATENTS & TRADEMARKS

Hindering the Progress of Science: The Use of the Patent System to Regulate Research on Genetically Altered Animals..... 441-65

PROPERTY

Reconstructing the Takings Doctrine by Redefining Property & Sovereignty..... 157-94
Regulatory Takings: A Contract Approach..... 195-261

PRIVATE CLUBS

Private Clubs and Employment Discrimination: Does Federal Law Apply? 615-45

REAL ESTATE

Potential Liability for Misrepresentation in Residential Real Estate Transactions: Let the Broker Beware 127-54

RICO

Partaker or Prey? Futures Commission Merchants Under Civil RICO and the Commodity Exchange Act.. 69-125

SECTION 1983

Section 1983: Absolute Immunity for Pretrial Police Testimony 647-702

SECURITIES

Securities Arbitration After *McMahon* 361-87
Partaker or Prey? Futures Commission Merchants Under Civil RICO and the Commodity Exchange Act.. 69-125

SEXUAL HISTORY EVIDENCE

Blaming the Victim: The Admissibility of Sexual History in Homicides..... 263-93

TAKINGS

Reconstructing the Takings Doctrine by Redefining Property & Sovereignty..... 157-94
Regulatory Takings: A Contract Approach..... 195-261

TABLE OF CASES

Affiliated Ute Citizens v. United States 307
Agins v. City of Tiburon 218, 228
Alford v. United States 274
American Soc'y of Mech. Eng'rs, Inc. v. Hydrolevel Corp.....108
Anderson v. Creighton.....608
Andresen v. Maryland 607
Arverne Bay Const. Co. v. Thatcher.....220
Associated Home Builders, Inc. v. City of Livermore 259
BAM Historic District Association v. Koch 416-17
Bank of Commerce and Trust Co. v. National Union Fire Insurance Co. 475
Block v. Hirsh 251
Blue Chip Stamps v. Manor Drug Stores.....305
Board of Regents v. Roth 162-63
Bohemian Club v. Fair Employment & Housing Commission 638-40
Braitman v. Overlook Terrace Corp.....493
Briggs v. Goodwin 685
Briscoe v. LaHue 650-51, 677-81, 683-86, 690
Callahan v. Carey 404-06, 411, 413-14
Carpenter v. United States 325
Chambers v. Mississippi 272, 275-78, 291-93
Chiarella v. United States.....298-99, 312, 315-18, 323-24, 327
City of Cleburne v. Cleburne Living Center.....1-3, 15-16, 20-28, 35-38, 41
Clark v. Manuel 25-26
Clark v. Community for Creative Non-Violence 395-96
Continental Casualty Co. v. Board of Education 474-75
Corrigan v. City of Scottsdale 206
Crane Neck Ass'n v. NYC/Long Island County Servs. Group.....37-38
Cubito v. Kreisberg.....524
Danforth v. United States 238
Davis v. Alaska.....272-75, 290-91
Dean Witter Reynolds, Inc. v. Byrd.....366-67, 370
Diamond v. Chakrabarty 442, 451-53, 459-60
Di Biase v. Piscitelli 24-25
Dirks v. SEC.....315-17
Durham v. Red Lake Fishing & Hunting Club, Inc. 631-32
Easton v. Strassburger 147
Eisenheim v. Board of Supervisors 414
Enzweiler v. Fidelity & Deposit Co. 475-76
Ernst & Ernst v. Hochfelder 305
Ex parte Allen 453-54
F.C.C. v. Florida Power Corp. 200
First English Evangelical Lutheran Church v. County of Los Angeles..175-76, 221, 228, 235, 248-49
Flanagan v. Mount Eden General Hospital 526-27
Fred F. French Inv. Co., Inc. v. City of New York 220
Fresh Pond Shopping Center, Inc. v. Callahan 203-04, 250, 252, 254
Frontiero v. Richardson 391, 393-94, 399, 401
Guaranty Trust Co. v. Union Solvents Corp.....449
Goldberg v. Kelly.....421-22
Goldblatt v. Town of Hempstead 210
Golden v. Planning Bd. of Ramapo...256-58
Griggs v. Allegheny County 204
Griswold v. Connecticut.....284
Grupe v. California Coastal Comm'n 245, 247
Hadacheck v. Sebastian 166-67, 174, 180-81, 209
Hall v. City of Santa Barbara 202
Harlow v. Fitzgerald.....606
Haroco v. American Nat'l Bank & Trust Co. 106
Henn v. National Geographic Society 715-17, 721-22
Highway Assocs. v. Koferl 500
Hills Development Co. v. Bernards Township 536-37, 561-63, 564
Hodel v. Irving.....205, 207, 216
Hodge v. Ginsberg.....408-10
Holt v. Castaneda 685
Hughes v. Washington 183-85
In re Bergy 451
In re Cady, Roberts & Co. 311
In re Merat 450
Johnson v. Louisiana 346-47
Johnson v. Railway Express Agency 624, 635-36
Jones v. Alfred H. Mayer Co.....623-24, 635-37, 642

Just v. Marinette County 211-12
Kaiser Aetna v. United States 201-02
Keystone Bituminous Coal Ass'n v. DeBenedictis 210, 213, 223, 227
Kline v. 1500 Massachusetts Avenue Apartment Corp. 491-92
Koster v. Webb 412-13
Little v. MGIC Indemnity Corp. 472-73
Luther v. Fidelity & Deposit Co. 473-74
Loretto v. Teleprompter Manhattan CATV Corp. 172-74, 200, 203
Malley v. Briggs 607, 651, 655, 677, 681-83, 694
Marbury v. Madison 415
Maryland v. Garrison 582
Massachusetts v. Sheppard 579, 589-94, 596-602, 609-11, 613
McCain v. Koch 410-13
McDonnell Douglas Corp. v. Green 710-12
McMinn v. Town of Oyster Bay 29-30
Menzel v. Morse 147
Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran 95
Mills v. Fox 629-30
Morely v. J. Pagel Realty & Insurance 148
Morris County Fair Housing Council v. Boonton Township 561-62
Moss v. Morgan Stanley Inc. 315, 317-18
Mugler v. Kansas 208-09
Nash v. City of Santa Monica 203, 252
Nectow v. City of Cambridge 165, 167, 174
New York Cent. R.R. v. United States 100
Nollan v. California Coastal Comm'n 175, 221, 231-33, 245-50
Normal Life of Louisiana, Inc. v. Jefferson Parish Dep't of Inspection and Code Enforcement 28
Oakwood at Madison, Inc. v. Township of Madison 543-44, 549, 551
Okada v. MGIC Indemnity Corp. 471-72
Paolillo v. Dresser Industries, Inc. 714-16, 722
Park West Management Corp. v. Mitchell 495-96, 501
Parnes v. Heinold Commodities, Inc. 116-17, 119
Pascack Association v. Washington 545-46
Peacock v. County of Sacramento 176
Penn Central Transp. Co. v. New York City 171-72, 198, 217, 242
Pennsylvania Coal Co. v. Mahon 168-69, 170-71, 174, 196, 213, 216-17, 220-21, 224, 227
People v. Boettcher 340-42, 356-57
People v. Miller 180
Pepsico, Inc. v. Continental Casualty Co. 470-71, 476-77, 479, 483-85
Plainfield v. Borough of Middlesex 206, 219, 242
Plymouth Coal Co. v. Pennsylvania 216
Provost v. Miller 149
Pruneyard Shopping Center v. Robins 202
Rippley v. City of Lincoln 206, 216, 242
Ross v. Board of Supervisors 415
Ruckelshaus v. Monsanto Co. 162-63, 177-78
San Diego Gas & Elec. Co. v. San Diego 196, 206, 221, 235
St. John's Evangelical Lutheran Church v. City of Hoboken 417
Santa Fe Industries, Inc. v. Green 306
Sawyer Realty Group, Inc. v. Jarvis Corp. 143-44
Sears, Roebuck & Co. v. Enco Associates 523, 529-30
SEC v. Capital Gains Research Bureau 310
SEC v. Texas Gulf Sulphur Co. 311-12
Sedima S.P.R.L. v. Imrex Co. 87
Seide v. Prevost 408, 418
Shapiro v. Merrill Lynch, Pierce, Fenner & Smith, Inc. 309, 313-16, 326-29
Shearson/American Express, Inc. v. McMahon 361, 366-70, 379, 384, 386-87
Sheerr v. Evesham Township 206, 219, 242
Sosnow v. Paul 523
Southern Burlington County NAACP v. Township of Mount Laurel 535-72
Spur Indus. Inc. v. Del E. Webb Dev. Co. 210
State v. Allen 343-44
State v. Johnson 212
Strong v. Repide 309, 311
Trentacost v. Brussell 493-94
United States v. Accardo 601-02, 604, 610
United States v. Buck 604-13
United States v. Burke 583
United States v. Cardwell 586
United States v. Carolene Products Co. 391-92, 394-95, 401
United States v. Carpenter 324-25
United States v. Causby 204

United States v. Crozier.....593-95, 604
United States v. Fuccillo 597-600, 605
United States v. General Motors.....197-98, 201
United States v. Georgia Marble Co.....238
United States v. Great Falls Mfg. Co.....237
United States v. Hartley 104, 108
United States v. Hillyard 585-86
United States v. Leary.....600-01, 611, 613
United States v. Leon 578-79, 597, 599, 601, 606, 610, 613
United States v. Michaelian 603-04
United States v. Newman 310
United States v. Offices Known as 50 State Distributing Co. 602
United States v. Riverside Bayview Homes, Inc. 218
United States v. Spilotro 594-96
United States v. Tsanas 339-42, 357
United States v. Washington 596-97
Village of Euclid v. Ambler Realty Co.....164, 166-67, 174, 200
Webb's Fabulous Pharmacies, Inc. v. Beckwith 163
Wheeler v. Cosden Oil & Chem. Co. 686
White v. Frank 684-85, 701
Wilko v. Swan 365-68
Williams v. Barry.....420-22